

# **EXHIBIT A**



**June 2019**

**NOTICE PROGRAM**

*In re: Automotive Parts Antitrust Litigation*

No. 12-md-02311

United States District Court  
for the Eastern District of Michigan

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## FIRM OVERVIEW

Kinsella Media, LLC (“Kinsella”) is a nationally-recognized legal notification firm in Washington, D.C. specializing in the design and implementation of notification programs to reach unidentified putative class members primarily in consumer and antitrust class actions and claimants in bankruptcy and mass tort litigation.

Kinsella has developed and directed some of the largest and most complex national notification programs, primarily in antitrust, bankruptcy, consumer fraud, mass tort, and product liability litigation. Specific cases have spanned a broad spectrum of issues, including asbestos, breast implants, home siding and roofing products, oil spills, pharmaceuticals, polybutylene plumbing, tobacco, and Holocaust claims. The firm has developed or consulted on over 1,000 notification programs and placed over \$400 million in paid media notice.

Kinsella develops advertisements, press materials, and other notice materials that bridge the gap between litigation complexities and the need for a clear and simple explanation of legal rights. The firm employs industry-recognized tools of media measurement to quantify the adequacy of the notice for the court and ensures all notice materials are in “plain language” and fully compliant with Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”) and comparable state guidelines.

## CASE BACKGROUND

Kinsella developed this Notice Program (the “June 2019 Notice Program”) to include the fourth round of Settlements in *In re: Automotive Parts Antitrust Litigation* (“Round 4 Settlements”). The lawsuits claim that the largest suppliers of automotive parts globally and in the United States agreed to fix and artificially raise the price of certain automotive parts. As a result, consumers and businesses may have paid more than they would have without this agreement.

New Settlements have now been reached with 16 Settling Defendants (“Round 4 Settling Defendants”). All of these agreements resolve claims that the manufacturers fixed the price of certain automotive parts.

The Round 4 Settling Defendants are:

1. Brose SchlieBsysteme GmbH & Co. Kommanditgesellschaft and Brose North America (together, “Brose”),
2. Corning International Kabushiki Kaisha (“Corning International K.K.”) and Corning Incorporated (together, “Corning”),
3. Delphi Technologies PLC and Delphi Powertrain Systems, LLC (together, “Delphi”),
4. Green Tokai Co., LTD. (“Green Tokai”),
5. Keihin Corporation and Keihin North America, Inc. (together, “Keihin”),
6. Kayaba Industry Co., Ltd. d/b/a KYB Corporation, and KYB Americas Corporation (together, “KYB”),
7. Maruyasu Industries Co., Ltd. and Curtis Maruyasu America, Inc. (together, “Maruyasu”),
8. Meritor, Inc. f/k/a ArvinMeritor, Inc. (“ArvinMeritor”),
9. Mikuni Corporation (“Mikuni”),

10. Mitsubishi Heavy Industries America, Inc. and Mitsubishi Heavy Industries Climate Control, Inc. (collectively, "Mitsubishi"),
11. Panasonic Corporation ("Panasonic"),
12. Sanoh Industrial Co., Ltd. and Sanoh America, Inc. (collectively, "Sanoh"),
13. Reorganized TK Holdings Trust ("TKH"),
14. Tokai Rika Co., Ltd. and TRAM, Inc. d/b/a Tokai Rika U.S.A. Inc. (together, "Tokai Rika"),
15. Toyo Denso Co. Ltd., Weastec, Inc. (together, "Toyo Denso"), and
16. Toyoda Gosei Co., Ltd., Toyoda Gosei North America Corporation, TG Kentucky, LLC, TG Missouri Corp., and TG Fluid Systems USA Corporation (collectively, "Toyoda Gosei").

Depending upon the case, Settlement Class Members are included in the Settlements if, from 1990 to 2019, they: (1) bought or leased a qualifying new vehicle in the U.S. for their own use (not for resale), or (2) paid to replace a qualifying part in their vehicle. In general, qualifying vehicles include new four-wheeled passenger automobiles, vans, sports utility vehicles, crossovers, and pick-up trucks. The Round 4 Settlements provide monetary recovery ("damages") for consumers and businesses in 30 states and the District of Columbia. The Round 4 Settlements also include non-monetary relief, including, with the exception of TKH, Settling Defendants' cooperation in the ongoing litigations. With the exception of Toyoda Gosei and TKH, the Round 4 Settling Defendants have also agreed not to engage in the conduct that is the subject of the lawsuits for a period of time.

The Statewide Damages Classes that may be eligible for monetary recovery include consumers in the District of Columbia and the following states: Arizona, Arkansas, California, Florida, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin.

Paid and earned media is necessary to reach unidentified Settlement Class Members.

## PROGRAM COMPONENTS

The June 2019 Notice Program outlines procedures to provide notice of the above referenced Settlements in *In re: Automotive Parts Antitrust Litigation* as a class action, consistent with the requirements set forth in Rule 23.

Based on information provided by Co-Lead Class Counsel, the results of research on Settlement Class Members and their response to media, and the media habits of the target audience, Kinsella recommends a two-phased notice program. The first phase will inform Settlement Class Members about their rights and options in the case. The second phase will be a simple reminder about the upcoming claims deadline.

- **PHASE 1 DUE PROCESS:** Kinsella recommends individual notice and wide-reaching paid media, including:
  - Email or mailed notice to individuals who previously registered on the Settlements' website, filed a claim, potential Settlement Class Members, and fleet companies;
  - Consumer magazines; and

- Internet banner ads on multiple networks.
- **PHASE 2 CLAIMS REMINDER:** Kinsella recommends individual notice and highly targeted media, including:
  - Email or mailed notice to website registrants, potential Settlement Class Members, and fleet owners and managers;
  - Television advertising; and
  - Targeted internet advertising.
- **EARNED MEDIA:** Kinsella recommends an earned media program that will run during Phase 1 and 2, including:
  - Multichannel news release,
  - Media outreach, and
  - Keyword search advertising.

To complement the June 2019 Notice Program and ensure Settlement Class Members' easy access to updated information, Kinsella recommends updating the dedicated informational website, [www.AutoPartsClass.com](http://www.AutoPartsClass.com).

## PAID MEDIA METHODOLOGY

Kinsella notice programs directed to Class Members: (1) identify the demographics of Class Members and establish a target audience, (2) outline the methodology for selecting the media and other program elements and how they relate to product usage or exposure, and (3) provide results that quantify for the court the adequacy of the notice based upon recognized tools of media measurement.

In the wake of the Supreme Court's decisions in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), the reliability of a notice expert's testimony may be tested against the standards developed within the media industry for determining to what degree and at what frequency a target audience has been reached. In assessing the expert's reliability, the court must determine whether the testifying expert "employs in the courtroom the same level of intellectual rigor that characterizes the practice of an expert in the relevant field." *Kumho*, 526 U.S. at 152. That showing may utilize evidence that the expert's data and methodology are similar to that used by professionals in the relevant field.

In keeping with the *Daubert* and *Kumho* rulings, Kinsella employs methodology and measurement tools used in the media planning and advertising industry for designing and measuring the adequacy of a paid media program to reach a particular audience.

Choosing a target audience that encompasses the characteristics of Class Members is the first step when designing the paid media program. Kinsella chooses media outlets based on their ability to provide effective and cost-efficient penetration of the target audience. Then, it measures the selected media against the target audience to quantify the reach of the media program and frequency of exposure to the

media. Reach and frequency estimates are two of the primary measurements used to quantify the media penetration of a target audience.

- **Reach** is the estimated percentage of a target audience that is exposed one or more times through a specific media outlet or combination of media outlets within a given period.
- **Frequency** is the estimated average number of opportunities an audience member has to see the notice.

Some components of the Claims Reminder phase are not measured by media survey data (targeted Internet and television), and therefore, their contribution is not included in the reported reach and frequency.

## **TARGET AUDIENCE SELECTION METHODOLOGY**

When considering which media to use for this case, Kinsella evaluated the latest media survey data available from GfK MRI's *2018 Doublebase Study*<sup>1</sup> to determine the media consumption habits of the following target audience: Adults 18 years of age and older who currently own or lease a new motor vehicle ("New Vehicle Owners/Lessees").

GfK MRI is the leading U.S. supplier of multimedia audience research and it is the basis for the majority of the media and marketing plans written for advertised brands in the U.S. Specifically, GfK MRI presents a single-source measurement of major media, products, services, and in-depth consumer demographic and lifestyle characteristics. GfK MRI provides data on media usage, audience composition, and other relevant factors pertaining to all major media types as well as print readership for Adults 18 years and older in the U.S. ("Adults 18+").

Using New Vehicle Owners/Lessees for media selection and measurement purposes is appropriate for this case because it is the closest measurable target to the Classes (individuals who bought or leased a new vehicle or paid to replace a qualifying part in their vehicle from 1990 to 2019). According to GfK MRI, the demographics for New Car Owners has not changed drastically over the years.

The Settlement Classes are made up of individual car owners/lessees as well as fleet owners. As discussed, New Vehicle Owners/Lessees are measured in GfK MRI; however, fleet owners or replacement part purchasers are not measured in the survey data. Kinsella believes that the target audience of New Vehicle Owners/Lessees is appropriate for all of the Classes because it is highly likely that fleet owners and replacement part purchasers bought or leased new motor vehicles during the relevant class periods.

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<sup>1</sup> Since 1979, GfK MRI's *Survey of the American Consumer* has conducted detailed polling of a large sample of U.S. adults about the media they see and hear and the products they use. Participants in the survey are identified by age, occupation, income, education, and where they live, among other things. The data from this survey is used by media practitioners industry-wide to characterize media and product users by demographics and account for and compare the size and make-up of media audiences. The *Doublebase Study* consists of two years of *Survey of the American Consumer* data. (GfK MRI was known until mid-2010 as Mediemark Research & Intelligence or MRI.)

## DEMOGRAPHICS

Based on GfK MRI data, the table below outlines the demographics of New Vehicle Owners/Lessees and the demographics of Adults 18+ for comparison purposes:

DEMOGRAPHICS	ADULTS 18+	NEW VEHICLE OWNERS/LESSEES
<b>Gender</b>		
Male	48.3%	48.1%
Female	51.7%	51.9%
<b>Age</b>		
18-24	12.2%	10.5%
25-34	17.9%	15.9%
35-44	16.4%	15.7%
45-54	17.4%	17.8%
55-64	16.8%	18.7%
65+	19.5%	21.4%
<b>Education</b>		
Graduated/Attended College	59.2%	67.4%
Graduated High School	29.1%	25.3%
<b>Household Income<sup>2</sup></b>		
Under \$20,000	12.0%	5.0%
\$20,000 - \$39,999	16.9%	11.6%
\$40,000 - \$59,999	15.3%	14.0%
\$60,000 - \$74,999	10.0%	10.0%
\$75,000+	45.8%	59.4%
\$100,000+	32.3%	44.3%
<b>Ethnicity<sup>3</sup></b>		
Caucasian	75.1%	80.0%
African-American	12.9%	9.0%
Hispanic	15.7%	13.1%
Asian	3.2%	4.1%
Other	10.0%	8.1%
<b>Location<sup>4</sup></b>		
A & B Counties (Metro)	71.7%	74.2%
C & D Counties (Rural)	28.3%	24.8%

Based on this information, the demographics of New Vehicle Owners/Lessees include:

- 57.9% are adults 45 years of age or older,
- 67.4% have graduated or attended college,
- 69.5% have a household income of \$60,000 or more, and
- 74.2% live in metro counties.

<sup>2</sup> The total percentages listed do not equal exactly 100% percent because GfK MRI rounds up all percentages to the nearest tenth of a decimal.

<sup>3</sup> The GfK MRI *Doublebase Study* allows for multi-classification of an individual's ethnicity. Therefore, the sum of all ethnicities may be greater than 100%.

<sup>4</sup> A Counties, as defined by A.C. Nielsen Company ("Nielsen"), are all counties belonging to the 25 largest metropolitan areas. These metro areas correspond to the standard Metropolitan Statistical Areas and include the largest cities and consolidated areas in the United States. B Counties are all counties not included under A that have either a population greater than 150,000 or are in a metro area with a population greater than 150,000 according to the latest census. C Counties are all counties not included under A or B that either have a population greater than 40,000 or are in a metro area with a population greater than 40,000 according to the latest census. D Counties are, essentially, rural counties.

## MEDIA USAGE

Individuals spend varying amounts of time with different media. Certain demographic groups may be heavy consumers, light consumers, or non-users of a particular medium. Kinsella notice plans focus on the media types used most often by the target audiences. Below is more information about the target audience's media behavior:

MEDIA (AVERAGE)	NEW VEHICLE OWNERS/LESSEES
<b>Magazines</b>	
Number of magazines read in a month	7.9
<b>Internet</b>	
Number of hours of Internet in a week	21.9
<b>Television</b>	
Number of hours of television hours in a week	29.5

## MEDIA SELECTION

In a fragmented media landscape, a multimedia plan can increase coverage to reach New Vehicle Owners/Lessees because it gives them more opportunities to be exposed to the message.

Kinsella evaluated the proposed media campaign by considering the most appropriate media to convey the message. Planning in today's media environment is complex given the many choices consumers and businesses have to obtain information. Each media type offers specific benefits in communication. A mix of media types allows us to take advantage of these complementary tactics.

Like the overall U.S. population, New Vehicle Owners/Lessees are made up of individuals with diverse characteristics and interests (*see* Demographics section). The person who buys a BMW M5 is different than the person who buys a Toyota Sienna – their income, lifestyle, and media choices often differ. Therefore, media must effectively and efficiently reach all members of these Classes. In the proposed June 2019 Notice Program, Kinsella considered the Program's objectives and determined that a media mix including print and Internet advertising was the most appropriate approach for the due process phase of the notice program. Television is recommended during the claims reminder phase.

Kinsella looked at the different age segments of New Vehicle Owners/Lessees to better understand their media habits. As the chart below shows, Kinsella used different magazines and websites to reach various sub-groups of New Vehicle Owners/Lessees. Online networks will deliver the notice across a wide variety of sites to a broad range of ages. While online efforts will allow us to reach the younger segment, Adults 18-34, it will also reach Adults who are 35 years of age or older. Although the individual components may differ from the previous notice programs, the June 2019 Notice Program uses the most effective media channels that are aligned with the target audience's media habits.

MEDIA	PRIMARY TARGET	COMPOSITION*	MEDIAN AGE
People	Women	49.6%	49
Sports Illustrated	Men	44.8%	44

MEDIA	PRIMARY TARGET	COMPOSITION*	MEDIAN AGE
Time	Adults 45+	49.4%	49
Online Usage	Adults 18+	90.0%	44
Television	Adults 45+	47.0%	54

\*Read: 49.6% of *People* readers own or lease a new car.

## PHASE 1: DUE PROCESS INDIVIDUAL NOTICE

There are three components of the due process, individual notice campaign: an email or postcard to those who registered on the website, an email to potential Settlement Class Members, and a postcard to fleet companies. The implementation of this portion of the campaign will be done by Epiq (formerly Garden City Group, LLC).<sup>5</sup>

**Website Registrants/Claims Filers:** Notify individuals who previously registered on the settlement website, [www.AutoPartsClass.com](http://www.AutoPartsClass.com), and individuals who filed a claim. Individuals who provided a valid email address will receive an email reminder, and a postcard reminder will be mailed to potential Settlement Class Members who provided only a mailing address.

**Consumer List:** Email a list of potential Settlement Class Members (individuals who purchased at least one vehicle included in the Class during the class period who currently reside in one of the 30 states and the District of Columbia). A list of potential Settlement Class Members will be rented.<sup>6</sup>

**Fleet List:** Mail a postcard notice to a list of fleet companies that own or manage 10 or more vehicles. This list includes fleet companies in 40 states plus the District of Columbia for which mailing data is available. The following states do not release records pertaining to commercial vehicle owners: Arizona, Colorado, South Dakota, Nebraska, Kansas, New York, Virginia, Pennsylvania, New Hampshire, and Washington.

Additionally, the Detailed (or Long-Form) Notice will be mailed to all potential Settlement Class Members who call or write to request a copy as a result of seeing the toll-free number or PO Box address. The Detailed Notice will also be available on the informational website as a PDF file.

## CONSUMER MAGAZINES

Most adults read one or more magazines during an average month, and nearly three out of five adults read or look at a magazine daily. Weekly magazines quickly accumulate readership and provide timely and efficient notice to readers. Kinsella chose the specific consumer magazines listed below because they are among the highest ranking in coverage of the target audience.

Kinsella recommends the following consumer magazine placements:

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<sup>5</sup> GCG was acquired by Epiq on June 15, 2018 and is now continuing operations as part of Epiq. All references herein to either Epiq or GCG are used interchangeably to refer to the integrated Epiq organization.

<sup>6</sup> The list rental will allow two emails to be sent to potential Settlement Class Members. The first email will be deployed during Phase 1, and the second email will be deployed during Phase 2.



- Two half-page ads (3.125" x 10") in *People* with an estimated circulation of 3,400,000.
- *People* is a weekly publication covering contemporary personalities in entertainment, politics, business, and other current events.



- A half-page ad (3.375" x 10") in *Sports Illustrated* with an estimated circulation of 3,000,000.
- *Sports Illustrated* is a weekly magazine covering sporting events and personalities through in-depth articles and stories.



- A half-page ad (3.375" x 10") in *Time* with an estimated circulation of 2,000,000.
- *Time* is a weekly news magazine covering national and international people, places, and events.

## PRINT READERSHIP

Readership includes both primary readers and pass-along readers. Primary readers purchase a publication or are members of a household where the publication was purchased. Pass-along readers are those who read the publication outside the home, in places such as a doctor's office. The table below indicates the estimated number of readers in the target audience of an average issue of the magazine or newspaper supplement:

PUBLICATION	INSERTIONS	NEW VEHICLE OWNERS/LESSEES
<i>People</i>	2	18,068,000
<i>Sports Illustrated</i>	1	6,994,000
<i>Time</i>	1	8,042,000

## INTERNET ADVERTISING

Kinsella recommends incorporating Internet advertising into the June 2019 Notice Program to provide potential Settlement Class Members with additional notice opportunities. Ninety percent of New Vehicle Owners/Lessees have used the Internet in the past 30 days.<sup>7</sup>

<sup>7</sup> GfK MRI, 2018 Doublebase Study.

Internet advertising delivers an immediate message and allows the viewer to click on a banner advertisement and instantly be directed to a website for further information. Banner ads are typically located either at the top or side of a website page.

Kinsella will produce a highly engaging animated banner advertisement that will provide information on the Settlements. Highly engaging animated banner ads are more likely to capture viewers' attention because they include moving images and text. Kinsella will purchase approximately 201,000,000 gross impressions<sup>8</sup> across various websites/networks, such as those noted below. Impressions will be allocated to maximize exposure during the campaign across websites that are best driving potential Settlement Class Members to the website. Delivery of Internet impressions to specific sites are subject to availability at the time Kinsella purchases the media.<sup>9</sup>

Kinsella recommends the following placements (as available):



- Conversant is an online network and comScore top 20 ad Network that delivers results based on data and provides deeper engagement using personalization to reach individuals.



- Facebook is a free, global social networking website that helps people communicate with friends, family, and coworkers.



- Instagram, a free, global social networking website that enables users to take, edit, and share photos and videos with other users.



- An ad network providing programmatic, enterprise, and mobile platform solutions.



- Verizon Media Group (formerly known as Oath) is a Verizon subsidiary that serves as the umbrella company of its digital platforms. It contains AOL; Yahoo; and media brands like HuffPost, TechCrunch, Engadget; and many others.

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<sup>8</sup> Gross impressions are the total number of times a media outlet containing the Notice is seen. This figure does not represent the total number of unique viewers of the Notice, as some viewers/readers will see the Notice in more than one media outlet.

<sup>9</sup> The list of properties and websites in the networks changes over time and will be determined at the time of placement.

## NATIONAL MEDIA DELIVERY

The paid media program outlined above provides Settlement Class Members with multiple exposure opportunities to media outlets carrying the Notice and delivers the following estimated reach and frequency measurements to the target audience defined by the 2018 GfK MRI Media + comScore Study:<sup>10</sup>

- An estimated 70.1% of New Vehicle Owners/Lessees will be reached with an average estimated frequency of 2.3 times.<sup>11,12</sup>

## PHASE 2: CLAIMS REMINDER PROGRAM

The Notice Program will include a number of claims reminders, the use of which in other cases has increased participation. The message will be simple and focus on the upcoming claims deadline. Direct Notice methods will focus on Settlement Class Members who have not yet filed a claim.

### INDIVIDUAL REMINDER NOTICE

There are three components of the individual reminder notice campaign: a reminder email or postcard to those who registered on the website, an email to potential Settlement Class Members, and a postcard to fleet companies. The implementation of this portion of the campaign will be done by Epiq.

**Website Registrants:** Reminder to individuals, by email or mail, who previously registered on the litigation website, [www.AutoPartsClass.com](http://www.AutoPartsClass.com), and did not yet file a claim.

**Consumer List:** Send up to two reminder emails to a purchased list of potential Settlement Class Members who may be eligible for a payment.

**Fleet List:** Mail a reminder postcard notice to a list of fleet companies that own or manage 10 or more vehicles.

Additionally, a month before the claims deadline, an email will be sent to individuals who have already filed a claim to ask them to share information about the Settlements and upcoming claims deadline with their friends and family.

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<sup>10</sup> GfK MRI's *Survey of the American Consumer*, providing a single-source dataset of off-line and online media usage by American consumers. Data is then combined with comScore, a source of Internet audience measurement for advertising agencies, publishers, marketers, and financial analysts. Combining the two datasets provides unduplicated audience estimates across print and online media.

<sup>11</sup> The claims reminder components are not included in the reach and frequency measurements, because they are not measured by media survey data.

<sup>12</sup> The Federal Judicial Center Notice Checklist states, "[a] high percentage (e.g., between 70–95%) can often reasonably be reached by a notice campaign." *Federal Judicial Center, Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*, available at [www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0](http://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0) (last visited February 25, 2019).

## TELEVISION

Kinsella's experience in other claims reminder programs has shown that television generates the highest level of engagement in driving claims. Television has the ability to reach a wide number of target audience members with an immediate and accessible message. The combination of audio and visual message delivery increases the message impact. Viewers can quickly ascertain if the message is important and, if so, decide to respond.

Our program calls for 30-second television ads to be aired throughout the day in different program environments to reach the highest number of viewers across diverse interests. The three components to the recommended television advertising in this program are described below:

### LOCAL TELEVISION

The television ad will run on local stations within 121 media markets in the 30 affected states and the District of Columbia for approximately four to five weeks. A combination of local networks will be chosen, and the Notice will prominently feature the toll-free number and Settlement website address.

KM recommends the following audience delivery across the noted dayparts to ensure sufficient opportunity for potential Settlement Class Members to view the ad: 10% Cable, 45% Early AM, and 45% Early News.

### TARGETED TELEVISION

Television placement will leverage online and offline data to stream content through an Internet connection to a specific audience or directly through their television sets. Television ads are delivered through multiple sources, including Smart TVs (e.g., Samsung, Vizio, and Sony), game consoles (e.g., PlayStation), digital media players (e.g., Amazon Fire TV, Roku, Tivo, and Boxee), and cable boxes. Video is delivered through software applications or "apps" that are preloaded into the device or within television ad segments between television programming.

Channels and programs on national cable networks that appeal to the target audience will be selected. Kinsella will utilize third party data (such as Nielsen Auto, Polk, JD Power, and Experian) to reach car enthusiasts or car owners. The spots will be delivered on various programming on cable network television.

Sample networks will include all or some of the following:

NETWORK	SUMMARY
	Discovery Network offers a mix of cinematography across genres including, science and technology, exploration, adventure, and history and in-depth, behind-the-scenes glimpses at the people, places, and organizations that shape our world.

NETWORK	SUMMARY
	ESPN is a 24-hour entertainment and sports network that covers a variety of live sporting events, as well as programs devoted to news and analysis and original programming.
	Fox News Channel is a 24-hour general news service that covers breaking news as well as political, business, and entertainment news.
	Programming on the History Channel covers a wide range of historical periods and topics. Subjects are varied and include warfare, inventions, aviation, and conspiracy theories. Programming also includes mainstream reality television-style shows.

## TARGETED INTERNET ADVERTISING

Targeted Internet advertising will be used to reach potential Settlement Class Members using various tactics. This type of advertising allows a banner ad to reach a specific audience. Audiences are segmented into groups such as geography (location), interests, and demographics, based on data collected from their online browsing and other information provided on the Internet. Then, an advertiser can choose which group they want to see their banner ad. Although this advertising is not measurable against a standard target audience (and cannot contribute to reach and frequency measurements), it often can be more effective at getting a response from Internet users.

Tactics and networks that will be used include:

TACTIC	DEFINITION
<b>Business 2 Business</b>	Ads placed within the automotive or fleet pages of trade websites. Channels may include: <i>Auto Rental News</i> , <i>Automotive News</i> , <i>NAFA</i> , and <i>Auto Fleet</i> .
<b>Behavioral Targeting</b>	Ads targeted to people based on their previous online habits ( <i>i.e.</i> , if they viewed or searched content related to automotive topics, car part repair, or other auto-related items).
<b>Channel Targeting</b>	Ads targeted to categories of websites frequently visited by our target audience. Categories may include: automotive, business/finance, entertainment, sports, electronics and technology, and news.
<b>Contextual Targeting</b>	Ads targeted to websites with editorial content that directly relates to the ad content based on keywords/phrases. Editorial content may include automotive, car accessories, or automotive repairs.

TACTIC	DEFINITION
<b>Facebook/Instagram</b>	<p>Newsfeed ads (that appear in users' news content) targeted to users based on:</p> <p><u>Interests/Behaviors</u>: automotive enthusiasts, new vehicle buyers/shoppers, automotive owners, etc.</p> <p><u>Email Matching</u>: target ads to users who registered at the website.</p> <p><u>Lookalike Audience</u>: targets ads to people who have similar profiles to people who registered at the website.</p>
<b>LinkedIn</b>	<p>Ads targeted to users who follow the automotive industry and belong to groups/associations associated with fleet owners or the fleet industry.</p>
<b>Re-Targeting</b>	<p>Ads targeted to people who previously visited the Settlements' website and clicked on the claim form or viewed an ad through a connected TV.</p>
<b>Third-Party Data Targeting</b>	<p>Ads targeted using industry standard third-party data sources (e.g., IHS Polk Data, Experian, and other data providers). These sources collect and analyze data related to individuals who are likely to own a car, car enthusiasts, aftermarket automotive parts buyers, or car parts purchasers.</p>

Banner ads will appear for four to six weeks. The actual networks or publisher websites are to be determined at the time of placement.

A third-party ad management platform will be used to audit the digital components. This platform will combat ad fraud, viewability issues, and brand safety. By tackling ad fraud, Kinsella will have the opportunity to ensure that ads are not served in environment with fake news, sex, drugs, and violence while reducing the investment wasted on fraudulent traffic (ads being seen by 'bots' or non-humans, ads not viewable, etc.).

## **PHASE 1 & 2: EARNED MEDIA PROGRAM**

The primary purpose of the earned media portion of the June 2019 Notice Program is to create interest in and awareness of the story, generate media coverage, and get consumers to act on the information. All earned media outreach materials will be unbiased and informative, designed to provide potential Settlement Class Members with a basic overview of the Settlements and how they can obtain further information.

Kinsella will distribute the message to media outlets (newspapers, websites, television, and radio stations) to spark press interest and generate coverage that will provide potential Settlement Class Members with a basic overview of the Round 4 Settlements and how they can obtain further information about their rights or file a claim. This will also help ensure that journalists that report on the story will have complete information, including the Settlements' website and/or phone number.

Earned media programs have proven useful in past notice campaigns. Pitch teams highlight the benefits of the Settlements and any potential refund for consumers and encourage journalists to inform readers. Information about the Round 4 Settlements will be used to draw interest for potential stories about this litigation. This piece will likely help overall response in this case because consumers report high levels of trust in impartial sources, such as editorial content from journalists, academics, and analysts.<sup>13</sup>

Below is more information about these elements:

## MULTICHANNEL NEWS RELEASE

Kinsella will distribute a Multichannel News Release (“MNR”) with information about the Settlements. The MNR combines videos, images, news releases, and other downloadable materials into an interactive web platform that can be easily distributed across the Internet, including social networks. An MNR is recommended over a standard wire news release because it is targeted not just to reporters, but to consumers online. It also tells a story more effectively and visually rather than relying on text and photos alone. According to a recent PR Newswire study, press releases that include multimedia elements (such as videos) and links have 2.8 times more views than a standard text-only press release.<sup>14</sup>

As described in more detail below, the MNR distribution will be supported with email and phone outreach to targeted media outlets to solicit their interest in the story and generate free media coverage. Earned media coverage creates legitimacy and credibility in the minds of the consumers because it is delivered and received through credible organizations,<sup>15</sup> such as newspaper reporters/columnists, television or radio anchors/reporters, influential bloggers, and word-of-mouth on social media networks.<sup>16</sup>

## MEDIA OUTREACH

Consumers and businesses consider different sources of information when making informed decisions about purchasing or maintaining a vehicle. To reach them, a media pitch team will reach out to a variety of traditional print and online news outlets in the 30 affected states and the District of Columbia., including everything from the Associated Press to the leading automotive blog, *Jalopnik*. The media pitch team will look for ongoing opportunities to raise awareness with automotive beat and consumer reporters at the national wire services, tier-1 national newspapers, periodicals (such as *The Wall Street Journal*, *USA Today*, and *U.S. News & World Report*), top-20 regional newspapers, and specialty automotive news outlets including *Edmunds*, *Kelly Blue Book* (*KBB*), *Car & Driver*, *Motor Trend*, and others.

The aim is to engage these influencers to share news of the additional Settlements with their followers, specifically targeting the informed consumer. The outreach team will continue to follow-up with media outlets to maintain story interest throughout the notice period.

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<sup>13</sup> Cision, *How Earned Media is Changing Your Marketing Strategy* (June 19, 2017), available at [www.cision.com/us/2017/06/earned-media-changing-marketing-strategy/](http://www.cision.com/us/2017/06/earned-media-changing-marketing-strategy/) (last visited May 30, 2019).

<sup>14</sup> Cision, *The State of Multimedia in Press Releases [Study + Infographics]* (January 27, 2016), available at [www.prnewswire.com/blog/the-state-of-multimedia-in-press-releases-study-and-infographic-16244.html](http://www.prnewswire.com/blog/the-state-of-multimedia-in-press-releases-study-and-infographic-16244.html) (last visited May 30, 2019).

<sup>15</sup> “47% of people said they trust the media. In the eyes of the public, traditional media is a more trusted source of news than social media.” Cision, *2019 Global State of The Media Report* (April 23, 2019), available at [www.cision.com/content/dam/cision/Resources/white-papers/2019\\_Q2\\_SOTM\\_report.pdf](http://www.cision.com/content/dam/cision/Resources/white-papers/2019_Q2_SOTM_report.pdf) (last visited May 30, 2019).

<sup>16</sup> Business Insider, *Earned Media And Social Media: How Brands Can Get Beyond The Hype* (July 16, 2013), available at [www.businessinsider.com/earned-media-social-media-beyond-hype-2013-7#ixzz2jmrDEZz7](http://www.businessinsider.com/earned-media-social-media-beyond-hype-2013-7#ixzz2jmrDEZz7) (last visited May 30, 2019).

Additionally, a Satellite Media Tour will allow information about the Settlements to appear on news shows across the country. A representative from Class Counsel will participate in interviews with television, radio, online stations and networks across the United States. The interviews will last four to eight minutes in length and are broadcast live as they are being conducted or recorded by the stations for later airings. These segments have a guaranteed audience of over six million (through at least 150 airings). The interviews may highlight the toll-free telephone number, claims deadline, and Settlements' website address, so Settlement Class Members can obtain complete information.

## **KEYWORD SEARCH ADS AND ORGANIC SEARCH**

Kinsella will also utilize organic and paid keyword searches. Search engines, such as Google and Bing, are crucial for today's online users to find the information they are looking for – the right website, relevant information, and/or the location of a new restaurant in the city.

Nearly everyone who has ever used the Internet has used a search engine, so typing keywords into a search box is a familiar experience. For example, Google shows pages and ads in response to the keywords that are typed. Website administrators rely on these search engines to help drive traffic to their websites. This happens two ways: (1) organic search results and (2) using paid search terms.

- Organic search results are the webpage listings that most closely match the user's search query based on relevance. Relevancy increases as other pages link to the Settlements' website (*e.g.*, if a journalist writes a story and provides a link to the website, this action will help the overall organic ranking).
- Paid results are basically advertisements — website owners pay to have their webpage display for certain keywords, so these listings show up when someone runs a search query containing those keywords.

Kinsella will purchase sponsored links to appear when searchers enter certain terms (*e.g.*, "Auto Parts Settlement"). By purchasing a variety of keywords and phrases that are both broadly and specifically related to the content of a website, Kinsella can ensure that the Settlements' website will appear in the top results of an online user's search query. These results are separated from organic results by placing the word "Ad" next to the website URL. The keyword advertisement will appear at the top of the search results and will direct potential Settlement Class Members to the Settlements' website.

## **NOTICE DESIGN**

### **DETAILED NOTICE**

The updated Detailed Notice (Long-Form Notice) will be compliant with Rule 23 and consistent with the Federal Judicial Center's "illustrative" class action notices. Specifically, the Detailed Notice will clearly and concisely state in plain, easily understood language:

- The nature of the action;
- The definition of the classes certified;
- The class claims, issues, or defenses;
- That a class member may enter an appearance through an attorney if the member so desires;

- That the Court will exclude from the class any member who requests exclusion;
- The time and manner for requesting exclusion; and
- The binding effect of a class judgment on members under Rule 23 (c)(3).

This Notice is designed to encourage readership and understanding, in a well-organized and reader-friendly format. Also, the Detailed Notice will prominently feature the toll-free number (1-877-940-5043) and website address for Settlement Class Members to obtain more information.

## **SUMMARY NOTICE**

Rule 23(c)(2) requires notices in Rule 23(b)(3) class actions to be written in “plain, easily understood language.” Kinsella applies the plain language requirement in drafting all notices in federal and state class actions. The firm maintains a strong commitment to adhering to the plain language requirement, while drawing on its experience and expertise to draft notices that effectively convey the necessary information to Class Members.

The plain language, updated Summary Notice (also referred to as the Short-Form Notice or Publication Notice) is designed to alert Settlement Class Members to the litigation by using a bold headline. This headline will enable Settlement Class Members to quickly determine if they are potentially affected by the litigation. Plain language text provides important information regarding the subject of the litigation, Class definition, and legal rights available to Settlement Class Members. The Summary Notice includes all the substantive information required by Rule 23.

Each notice prominently features the toll-free number and website address for Settlement Class Members to obtain the Detailed Notice and other information.

## **WEBSITE AND INTERNET ADS**

An informational, interactive website is a critical component of the June 2019 Notice Program. A website is a constant information source instantly accessible to millions. The website will continue to take advantage of the Internet’s ability to serve as a key distribution channel and customer service bureau. The informational website, [www.AutoPartsClass.com](http://www.AutoPartsClass.com), will be updated prior to launch of the June 2019 Notice Program. The site will employ the design characteristics laid out below, so Settlement Class Members can easily find the information they need about the Settlements and find out how to contact the Settlement Administrator should the website not address their specific needs.

## **WEBSITE DESIGN**

Combining clean site design, consistent site navigation cues, and search engine optimization, the website will provide Settlement Class Members with easy access to the details of the litigation.

- **CLEAN DESIGN:** The site is designed for ease of navigation and comprehension, with user-friendly words and icons. Once the user enters the website from the homepage, a directory located at the top of the page provides links to the information available on the website. This information includes “Court Documents,” “Frequently Asked Questions,” “Notice

Documents,” and “Vehicles Included in Rounds 1-3 Settlements,” and “Vehicles Included in Round 4 Settlements.” The website will be updated to assist people who want to file claims. The website also provides the toll-free number, mailing address, and email address for individuals seeking additional information.

- **CONSISTENT NAVIGATION CUES:** Whenever a user goes from the homepage to another part of the site, links to the homepage and subsections and the case name remain at the top of each page.

## **BANNER AD DESIGN**

Internet banner advertisements are designed to alert Class Members about the litigation and additional settlements by using a bold headline that enables Class Members to quickly determine if they may be affected. When a user clicks the banner advertisement, they will be connected to the Settlements’ website.

## **TELEVISION ADS**

An animated television ad will be created that will engage viewers through sight and sound. The television ad will inform potential Settlement Class Members about the Settlements and where they can get more information and file a claim. The television ad will include the case website and the toll-free number.

## **TOLL-FREE TELEPHONE SUPPORT**

A Toll-Free Support Line dedicated to these Settlements will be maintained at 1-877-940-5043, so callers can obtain additional information about the litigation. The Interactive Voice Response (IVR) platform will be updated with current information and accessible 24 hours a day, seven days a week. The IVR will provide answers to frequently asked questions and the ability for callers to request that the Settlement Administrator mail them a Detailed Notice. Should a caller have questions not addressed on the IVR, experienced representatives will be available to provide additional assistance Monday through Friday. Also, the toll-free telephone number appears on the informational website and in the Notices.